UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
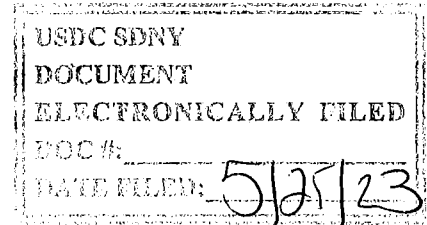
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CORDERRO JAVON JONES,

         Plaintiff,

v.

LT. FALCO and SGT. CARR,

         Defendants.

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ORDER

20 CV 3485 (VB)

3 addresses 5/25/23

Copies Mailed/Faxed

Chambers of Vincent L. Briccetti

    On April 19, 2023, plaintiff, proceeding pro se, failed to appear at a scheduled case management conference. (Doc. #64). This was the third time in the last few months that plaintiff failed to appear for a scheduled case management conference.

    By Order dated April 19, 2023, the Court (i) summarized the relevant procedural history of the case and (ii) directed plaintiff to show cause in writing by May 3, 2023, why he failed to appear at the April 19 case management conference, and why the Court should not dismiss his case for failure to prosecute and comply with Court Orders. (Doc. #65). The Court informed plaintiff if he failed to show cause in writing, his failure to appear and to show cause would be deemed an abandonment of the case and the Court would dismiss the case for failure to prosecute and comply with Court Orders pursuant to Fed. R. Civ. P. 41(b). (Id.).

    On April 28, 2023, Clerk's Office staff advised the Court that plaintiff came to the Pro Se window in the Clerk's Office and told Clerk's Office staff that he had a scheduled conference that day. Clerk's Office staff informed plaintiff that no conference was scheduled for that day, and that he had failed to appear at the conference on April 19, 2023. Plaintiff told Clerk's Office staff that he had not been receiving Court Orders because his address had changed and he did not update the Court regarding his new address. Clerk's Office staff provided plaintiff a copy of the Order dated April 19, 2023, and a change of address form, and advised plaintiff to submit the change of address form that day to update his address on the docket. However, plaintiff refused to do so and walked away.

    On May 3, 2023, plaintiff filed documentation from his employer and a doctor indicating he was sick on April 19, 2023. (Doc. #65). Plaintiff's medical documentation includes the following address: "805 Fairmont Mount, 2G, Bronx, NY, US 10460." (Id.). This is different from plaintiff's current address on the docket. Also, according to Google Maps, there is no "Fairmont Mount" address in the Bronx. There is, however, a Fairmount Place and a Fairmount Avenue. Other than the medical documentation, plaintiff has not submitted any explanation for why he failed to appear at the April 19 conference or why the Court should not dismiss his case for failure to prosecute and comply with Court orders.

    In addition, to date, plaintiff has failed to update the Court in writing as to his updated address, despite being repeatedly advised by the Court of his obligation to do so. (See, e.g., Doc. ##4, 13, 14, 19, 29, 54, 56, 60).

Accordingly, by <u>June 8, 2023</u>, plaintiff must update the Court in writing as to his current address. If plaintiff fails to do so, the Court will deem this case abandoned and dismiss the case for failure to prosecute or to comply with Court Orders. Fed. R. Civ. P. 41(b). As the Court has previously warned, it is plaintiff's responsibility to inform the Court if his address changes. Failure to do so will result in dismissal of this case.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore <u>in forma pauperis</u> status is denied for the purposes of an appeal. <u>Cf</u>. <u>Coppedge v. United States</u>, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket, as well as the following addresses: 805 Fairmount Place, Apt. 2G, Bronx, New York, 10460; and 805 Fairmount Avenue, #2G, Bronx, New York, 10465.

Dated: May 25, 2023
      White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge

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